



1999B062A  
Adv. Action dated 8/04/2006  
RCE Response dated 8/29/06

PATENT

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amended, applicant has priority to WO '033 and is only required to swear behind WO '033 for what it teaches. See MPEP 715.02. To the extent the WO '033 disclosure "suggests" any species in claims 10, 14, and 32 and/or 38-40, applicant has also shown priority to these obvious variations. *Id.*

With respect to claim 31 reciting that the second rubber blend "further comprises" EPDM rubber, WO '033 discloses EPDM in the butyl rubber blends, e.g. page 2, lines 3-7, and compound 9 in the examples. Alternatively, if applicant is not entitled to the benefit of this disclosure, Costemalle '662 is cumulative to the EPDM disclosure seen in WO '033 and the purported combination of references would not have taught or suggested the subject matter of claim 31.

The other primary rejection in the action applies Costemalle '662, Elspass and the Polymeric Materials Encyclopedia entry by Dias (Dias). As understood, the action asserts that Costemalle '662 discloses the claimed halogenated isobutylene-co-alkylstyrene polymer in tire innerliners, whereas Elspass and Dias are applied to allegedly show only that the skilled artisan would have understood inner tubes and innerliners to have "similar functional requirements."

Respectfully, applicant submits that the suitability of a rubber formulation for tire innerliners does not suggest that it will work with equal success in inner tube formulations. For example, tire innerliners and inner tubes both require low permeability to retain air, but tire innerliners are fused or molded (co-vulcanized) directly to the tire casing, whereas inner tubes are separate and must remain separable, i.e. innerliners stick to the tire whereas inner tubes must *not* stick to the tire. Therefore, adhesion of a rubber used as an innerliner is not necessarily a disadvantage, but is disastrous in the case of a tube which cannot as a result of fusing to the tire be separated from the tire for replacement or repair.

Paragraph [0028] in the specification discusses the undesirability in an inner tube of increased adhesion or a tendency to co-cure with halobutyl innerliners. Paragraph [0003] notes that inner tubes of butyl rubber and halobutyl rubber do not have the proper properties

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# PATENT

IN RE POLA W/PROSECUTIVE INFO: 17040595BIS2AUS19970624-LE-206A UO29-RCR RESPONSE TO ADV ACTION OF 4AUG2006.JAN

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that Elspass was cited only to show that tire innerliner compositions allegedly suggest tire inner tube compositions. In this regard, like Dias discussed above, Elspass is at best cumulative to applicant's own disclosure of the prior art problems in the use of butyl rubbers in inner tubes. Elspass provides no further teaching or suggestion of a reasonable expectation of success in employing the claimed halogenated isobutylene-co-alkylstyrene polymer/second rubber blends in inner tubes in a tire. Elspass does not teach, show or suggest the claimed invention, and fails to bridge the gap from Costemalle '662/Dias to applicant's claimed invention. At the very least, Elspass does not teach or suggest the results to be expected of an inner tube comprising specific amounts of the halogenated isobutylene-co-alkylstyrene polymer or the halogen present in mol% relative to the total amount of the polymer, as required in every claim. Withdrawal of the rejection and allowance of the claims is respectfully requested.

Having addressed all issues set out in the office action, Applicant respectfully submits that the pending claims are now in condition for allowance. Applicant invites the Examiner to telephone the undersigned attorney if there are any issues outstanding which have not been addressed to the Examiner's satisfaction. It is believed that no petition for extension of time for filing this response is required; however, in the event that such a petition is required, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 05-1712, for any fees, including extension of time fees or excess claim fees, required to make this response timely and acceptable to the Office.

Respectfully submitted,

Date

8/29/2006

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